IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

Bail Appl..No. 5096 of 2007()

CRIME NO. 276/07 OF BALARAMAPURAM POLICE STATION

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PETITIONER/A1

YESODA, D/O.RAJAMMA, AGED 52 YEARS,
KRISHNALAYAM HOUSE, BHAGAVATHY NADA,
PALLICHAL, THIRUVANANTHAPURAM.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
BALARAMAPURAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5096 of 2007

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Dated this the 21st day of August, 2007

O R D E R

Application for regular bail. The petitioner is the mother-in-law of the defacto complainant. She faces allegations under Sections 307 and 498A I.P.C. The crux of the allegations against the petitioner raised in the F.S. statement lodged by the defacto complainant is that on 19.7.2007 at about 4.30 p.m. the petitioner threw a kerosene lamp at the victim and when kerosene was sprinkled on her cloths, the petitioner set fire to the defacto complainant. She suffered extensive burns. She was removed to the local hospital and from there she was taken to the Medical College Hospital. At the Medical College Hospital, at 6.30 p.m., to the doctor specific allegation has been made that she suffered the burns when her mother-in-law attempted to set her ablaze. The F.I. statement was lodged at the hospital by the defacto complainant. In the F.I. statement also very clear allegations have been raised against the petitioner herein. She was arrested on 2.8.2007 and she continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. There has been an attempt to suggest that it was really a case of the victim trying to set herself ablaze. Various allegations have been raised against the petitioner with objectionable motives.

3. The learned Prosecutor opposes the application. He submits that all the available inputs clearly point to the complicity of the petitioner.

4. I have considered all the relevant inputs. At this early stage of investigation I shall not embark on any detailed discussion on the acceptability of the allegations or the credibility of the data collected. But I do take note of the fact that within two hours of the incident, the earliest statement has been given to the doctor narrating the cause of the burns. On the very next day the F.I. statement was also lodged. At the moment and with the available inputs, I find no reason to discard the version of the defacto complainant. I am satisfied that this is not a fit case where the petitioner can be enlarged on bail at this stage.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the learned Sessions Court of this Court for bail again at a later stage of the

investigation, not at any rate, prior to 4.9.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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